

From: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]
Sent: 12/15/2020 12:21:44 AM
To: Hurlid, Kathy [Hurlid.Kathy@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]; McGill, Thomas [McGill.Thomas@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; Siegal, Tod [Siegal.Tod@epa.gov]; Beck, Whitney [beck.whitney@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]
Subject: RE: Florida Application for Assumption of Clean Water Act Section 404 Permitting

Leif and Mita,

Do you have thoughts?

jmg

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Sent: Monday, December 14, 2020 6:57 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: RE: Florida Application for Assumption of Clean Water Act Section 404 Permitting

Deliberative

Thanks Jeaneanne, Simma, DOJ, Mindy and I are very familiar with these concerns raised by the Menominee in MN. There are several court cases associated with the Aquilla Back 40. EPA R5 did offer to consult on the permit (see attachment). There are also several differences between MI and FL's programs and EPA's actions on the requests to approve 404 programs.

Differences include, we did not consult under NHPA on MI's program approval with the Menominee – R4 has consulted with 8 tribes on FL's request. The MI program does coordinate with their SHPO and their 2011 MOA revisions discusses contacting downstream tribes if their WQ may be affected. FDEP-EPA MOA, OA and the PA all discuss coordination with downstream tribes.

Ex. 5 Deliberative Process (DP)

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Monday, December 14, 2020 6:35 PM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>
Subject: FW: Florida Application for Assumption of Clean Water Act Section 404 Permitting

From: Gussie Lord <glord@earthjustice.org>

Sent: Monday, December 14, 2020 4:05 PM

To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; ispice@mitw.org; mcook@mitw.org

Cc: paulbackhouse@semtribe.com; lhaikey@pci-nsn.gov; ithompson@choctawnation.com; section106@mcn-nsn.gov; isham.t@sno-nsn.gov; ashively@jenachoctaw.org; jeanineb@miccosukeetribe.com; kevind@miccosukeetribe.com; Jaime Loichinger <jloichinger@achp.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>

Subject: RE: Florida Application for Assumption of Clean Water Act Section 404 Permitting

Comments attached.

From: Gussie Lord

Sent: Monday, December 14, 2020 2:02 PM

To: Gettle.Jeaneanne@epa.gov; Lindzey Spice <ispice@mitw.org>; Melissa K. Cook <mcook@mitw.org>

Cc: paulbackhouse@semtribe.com; lhaikey@pci-nsn.gov; ithompson@choctawnation.com; section106@mcn-nsn.gov; isham.t@sno-nsn.gov; ashively@jenachoctaw.org; jeanineb@miccosukeetribe.com; kevind@miccosukeetribe.com; jloichinger@achp.gov; Armor.Suzanne@epa.gov; Pugh.Katherine@epa.gov

Subject: Florida Application for Assumption of Clean Water Act Section 404 Permitting

Good Afternoon:

On behalf of the Menominee Indian Tribe of Wisconsin, I am submitting comments on Florida's pending application for assumption of Clean Water Act Section 404 permitting authority.

Please contact me at the number below, or Menominee Tribal Chairwoman Joan Delabreau at (715) 779-5114, if you have questions or would like additional information.

Thank you,

Gussie Lord
Managing Attorney
Tribal Partnerships Program
Earthjustice
633 17th Street, Suite 1600
Denver, CO 80202
T: 720-402-3764 x 2631
glord@earthjustice.org



The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.